



REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2163

PATENT
5760-16000/VRTS 0523

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/723,729
Filed: November 26, 2003
Inventors:
Dhrubajyoti Borthakur, Nur
Premo, Joseph Pasqua

Title: System And Method For
Detecting And Storing File
Content Access Information
Within a File System

§ Examiner: Le, Uyen T.
§ Group/Art Unit: 2163
§ Atty. Dkt. No: 5760-16000
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin
Printed Name

Signature

Date

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION OVER
A PENDING SECOND APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. VERITAS OPERATING CORPORATION is the owner of all rights in the captioned application.

2. As sole owner in the captioned application, VERITAS OPERATING CORPORATION hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Serial No. 10/723,704 titled "SYSTEM AND METHOD FOR DETECTING AND STORING FILE IDENTITY CHANGE INFORMATION WITHIN A FILE SYSTEM" filed on November 26,

2003. VERITAS OPERATING CORPORATION hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.


3. In making the above disclaimer, VERITAS OPERATING CORPORATION does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

4. The undersigned is an attorney of record.

5. A Fee Authorization form for the Terminal Disclaimer fee under 37 CFR 1.20(d) is included.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-16000/BNK.

Respectfully submitted,



B Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8840
Date: 1-9-07